

HOUSE BILL 709

P5, E1, E2

2lr1606
CF SB 679

By: **Delegates Valentino–Smith, Alston, Arora, Braveboy, Burns, Hough, Hubbard, McComas, McDermott, Mitchell, and Stukes**

Introduced and read first time: February 8, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Fiscal Notes – Criminal Justice Policy Impact Statements**

3 FOR the purpose of requiring a fiscal note for a bill to include a criminal justice policy
4 impact statement under certain circumstances; requiring the criminal justice
5 policy impact statement to contain certain information; requiring the
6 Department of Legislative Services to prepare the criminal justice policy impact
7 statement by requesting certain information from certain entities; prohibiting
8 certain entities from being required to prepare information for inclusion in the
9 criminal justice policy impact statement; and generally relating to criminal
10 justice policy impact statements in fiscal notes.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 2–1505(e)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – State Government**

19 2–1505.

20 (e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact
21 of the bill on the revenues and expenditures of the State government and of local
22 governments:

23 (i) during the year in which the bill is to become effective and
24 the next 4 years after that year; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) if the full fiscal impact of a bill is not expected to occur
2 during those years, during each year until and the first year during which that impact
3 is expected to occur.

4 (2) If a bill, as introduced or amended, imposes a mandate on a local
5 government unit, the fiscal note for the bill shall contain:

6 (i) a statement that clearly identifies the imposition of the
7 mandate; and

8 (ii) an estimate of the fiscal impact of the mandate and, if
9 applicable and if data is available, the effect on local property tax rates.

10 (3) If a bill, as introduced or amended, requires a mandated
11 appropriation, the fiscal note for the bill shall contain:

12 (i) a statement that clearly identifies the imposition of the
13 mandated appropriation; and

14 (ii) an estimate of the fiscal impact of the mandated
15 appropriation.

16 (4) (I) **A FISCAL NOTE FOR A BILL SHALL INCLUDE A CRIMINAL
17 JUSTICE POLICY IMPACT STATEMENT IF THE BILL, AS INTRODUCED OR
18 AMENDED, DOES THE FOLLOWING:**

19 1. **CREATES A CRIMINAL OFFENSE;**

20 2. **SIGNIFICANTLY ALTERS THE ELEMENTS OF AN
21 EXISTING CRIMINAL OFFENSE;**

22 3. **ALTERS THE PENALTIES APPLICABLE TO A
23 CRIMINAL OFFENSE; OR**

24 4. **ALTERS EXISTING SENTENCING, PAROLE, OR
25 PROBATION PROCEDURES.**

26 (II) **THE CRIMINAL JUSTICE POLICY IMPACT STATEMENT
27 REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE, TO
28 THE EXTENT THE INFORMATION IS AVAILABLE, THE FOLLOWING:**

29 1. **AN ESTIMATE OF THE NUMBER OF CRIMINAL
30 CASES THAT WOULD BE AFFECTED BY THE BILL DURING THE YEAR IN WHICH**

1 THE BILL IS TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE
2 FOLLOWING YEARS;

3 2. AN ESTIMATE OF THE FISCAL IMPACT OF
4 DETAINING, IMPRISONING, OR IMPOSING OTHER PENALTIES ON INDIVIDUALS IN
5 ACCORDANCE WITH THE PROVISIONS OF THE BILL DURING THE YEAR IN WHICH
6 THE BILL IS TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE
7 FOLLOWING YEARS;

8 3. THE POTENTIAL IMPACT OF THE BILL ON RACIAL
9 AND ETHNIC GROUPS;

10 4. THE POTENTIAL IMPACT OF THE BILL ON
11 EXISTING STATE OR COUNTY DETENTION FACILITIES, CORRECTIONAL
12 FACILITIES, OR OTHER PROGRAMS USED FOR SENTENCING;

13 5. WHETHER THE BILL IS LIKELY TO CREATE A NEED
14 FOR ADDITIONAL DETENTION OR CORRECTION FACILITIES OR JUVENILE
15 PLACEMENT SERVICES;

16 6. THE ESTIMATE OF THE FISCAL IMPACT
17 ASSOCIATED WITH THE NEED FOR ADDITIONAL JUDICIAL RESOURCES FOR
18 LEGAL REPRESENTATION AND COURT SERVICES DURING THE YEAR IN WHICH
19 THE BILL IS TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE
20 FOLLOWING YEARS.

21 (iii) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
22 PREPARE THE CRIMINAL JUSTICE POLICY IMPACT STATEMENT BY REQUESTING
23 AVAILABLE INFORMATION FROM THE FOLLOWING:

24 1. THE DEPARTMENT OF JUVENILE SERVICES;

25 2. THE DEPARTMENT OF PUBLIC SAFETY AND
26 CORRECTIONAL SERVICES;

27 3. THE JUDICIARY; AND

28 4. ANY OTHER STATE, COUNTY, OR LOCAL ENTITY
29 THAT THE DEPARTMENT OF LEGISLATIVE SERVICES DEEMS NECESSARY.

30 (iv) THE DEPARTMENT OF LEGISLATIVE SERVICES OR ANY
31 OTHER STATE, COUNTY, OR LOCAL ENTITY MAY NOT BE REQUIRED TO PREPARE

1 INFORMATION THAT IS NOT READILY AVAILABLE FOR INCLUSION IN THE
2 CRIMINAL JUSTICE POLICY IMPACT STATEMENT.

3 **[(4)] (5)** A fiscal note shall identify the sources of the information
4 that the Department used in preparing the estimates of fiscal impact.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2012.